

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SHEEL NAGU

&

HON'BLE SHRI JUSTICE AMAR NATH (KESHARWAND)

MISC. PETITION No. 5887 of 2023

BETWEEN:-

**DR. RAJESH MALIK S/O LATE JUSTICE M.L
MALIK, AGED ABOUT 61 YEARS, OCCUPATION:
PROFESSOR AND HEAD OF RADIODIAGNOSIS
AND DEAN (ACADEMICS), ALL INDIA ISTITUTE
OF MEDICAL SCIENCES, BHOPAL 462020, R/O E-
1/2, ARERA COLONY, BHOPAL DISTRICT
BHOPAL 462016 (M/P.)**

.....PETITIONER

***(BY SHRI N.S. RUPRAH – ADVOCATE WITH SHRI NAVTEJ SINGH RUPRAH
AND MS POONAM SONKAR - ADVOCATES)***

AND

- 1. ALL INDIA INSTITUTE OF MEDICAL
SCIENCES, BHOPAL, SAKET NAGAR,
BHOPAL - 462020 (M.P.) THROUGH ITS
DIRECTOR**
- 2. PRESIDENT ALL INDIA INSTITUTE OF
MEDICAL SCIENCES, BHOPAL SAKET
NAGAR, BHOPAL 462020 (M.P.)**
- 3. DIRECTOR ALL INDIA INSTITUTE OF
MEDICAL SCIENCES, BHOPAL, SAKET
NAGAR, BHOPAL 462020 (M.P.)**
- 4. UNION OF INDIA THROUGH THE
SECRETARY, MINISTRY OF HEALTH AND
FAMILY WELFARE, NIRMAN BHAWAN
NEW DELHI - 110011**
- 5. CHAIRPERSON, INTERNAL COMPLAINTS
COMMITTEE, ALL INDIA INSTITUTE OF
MEDICAL SCIENCE, BHOPAL, SAKET**

NAGAR, BHOPAL 462020 (M.P.)

6. **PROF. (DR.) BHAVNA SHARMA, PROF. AND HEAD OF DEPARTMENT OF OPHTHALMOLOGY, ALL INDIA INSTITUTE OF MEDICAL SCIENCES, BHOPAL SAKET NAGAR, BHOPAL 462020 (M.P.)**
7. **PROF. (DR.) ARNEET ARORA, PROF. AND HEAD OF DEPARTMENT OF FORENSIC MEDICINE AND TOXICOLOGY, ALL INDIA INSTITUTE OF MEDICAL SCIENCES, BHOPAL, SAKET NAGAR, BHOPAL 462020 (M.P.)**

.....RESPONDENTS

(RESPONDENT NO.1 BY MS KANAK GAHARWAR - ADVOCATE)

Reserved on : 08.05.2024

Pronounced on : 15.05.2024

This petition having been heard and reserved for orders, coming on for pronouncement this day, Hon'ble Shri Justice Sheel Nagu pronounced the following:

ORDER

This miscellaneous petition under Article 227 of the Constitution of India invokes supervisory power of this Court to assail final order dated 20.04.2023 (Annexure P/1) passed in O.A. No.200/183/2021 where Central Administrative Tribunal, Jabalpur Bench, Jabalpur dismissed the O.A. preferred by petitioner primarily on the ground that no *mala fide* as alleged is made out and that the cause raised is premature since no punishment has been passed pursuant to recommendations of the Internal Complaints Committee (ICC) constituted under the Sexual Harassment of

Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short 'Act of 2013') and also that the petitioner has not availed the remedy of appeal available u/S. 18 of the Act of 2013 against the recommendations of ICC.

2. We have extensively heard learned counsel for rival parties.

2.1 During the course of arguments, it was informed that pursuant to aforesaid recommendations of ICC, which were impugned in O.A. No.183 of 2021, an order of penalty of 'Censure' was passed against petitioner on 21.04.2023, against which petitioner has preferred O.A. No.418 of 2023. In O.A. No.418 of 2023 the petitioner has raised various grounds of challenge including the ones raised in O.A. No.183 of 2021.

2.2 O.A. No.418 of 2023 is pending adjudication before the Tribunal.

3. When the petitioner has assailed the final outcome of 'Censure' arising from recommendations of ICC and the said challenge is pending adjudication before the Tribunal in O.A. No.418 of 2023, then this Court deems it appropriate to stay its hands and refrains from entering into the prolixity of adjudicating the grounds raised in this petition.

3.1 To enable the petitioner to raise all available contentions in law, this Court deems it appropriate to observe that any finding recorded by the Tribunal in passing impugned order dated 20.04.2023 in O.A. No.183 of 2021 shall not prejudice the Tribunal while deciding O.A. No.418 of 2023.

4. With the aforesaid liberty, the present petition stands **disposed of** without commenting upon merits and dissuading the Tribunal

from being influenced by any findings rendered in Order dated 20.04.2023 in O.A. No.183 of 2021.

(SHEEL NAGU)
JUDGE

(AMAR NATH (KESHARWANI))
JUDGE

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